

ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

12779. Misbranding of L'Vito Peptrons. U. S. v. 357 Bottles * * *. (F. D. C. No. 23202. Sample No. 68396-H.)

LABEL FILED: June 19, 1947, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about February 25, 1947, by Oxford Products, Inc., from Cleveland, Ohio.

PRODUCT: 357 75-tablet bottles of L'Vito Peptrons at Oklahoma City, Okla. Examination showed that the product contained approximately 3.8 milligrams of iron per tablet.

LABEL, IN PART: "L'Vito Peptrons 75 Tablets Contents: Iron Peptonized Haemoglobin Reduced Iron Natural Vitamin B Complex from Yeast Calcium Pantothenate Niacin Dehydrated Whole Yeast And Added Vitamin B₁ (Thiamin Chloride) B₂, B₆ * * * **DIRECTIONS** Adults: Take one or two tablets three or four times a day one hour before meals and at bed-time * * * A General Tonic supplying a supplementary source of Vitamin B₁ and Peptonized Haemoglobin Reduced Iron."

NATURE OF CHARGE: Misbranding, Section 403 (j), the article purported to be a food for special dietary uses by reason of its calcium pantothenate, niacin, vitamins B₁, B₂, and B₆, and iron content; its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B₁, B₂, and iron, and the amounts of vitamin B₆, calcium pantothenate, and niacin supplied by the article when consumed in a specified quantity during a period of 1 day; and its label failed also to bear, as required by regulations, the statement "The need for vitamin B₆ and calcium pantothenate in human nutrition has not been established."

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2226.

DISPOSITION: July 21, 1947. Default decree of condemnation and destruction.

12780. Misbranding of Nova Kelp tablets. U. S. v. 48 Bottles * * *. (F. D. C. No. 23460. Sample No. 39024-H.)

LABEL FILED: June 27, 1947, Eastern District of Michigan.

ALLEGED SHIPMENT: Between the approximate dates of April 16, 1945, and March 18, 1947, by the Johnstone Drug Sales Corp., from Rochester, N. Y.

PRODUCT: 11 150-tablet bottles, 32 300-tablet bottles, and 5 750-tablet bottles of Nova Kelp at Detroit, Mich. Examination showed that the product consisted of dried seaweed containing, per tablet, 1.19 milligrams of iodine, 2.91 milligrams of iron, 5.66 milligrams of calcium, 0.009 milligram of copper, 1.07 milligrams of phosphorus, and lesser quantities of other elements in chemical combination.

LABEL, IN PART: "Nova Kelp From Nova Scotia A Deep-Sea Edible Plant With No Added Drugs or Chemicals."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Dietary Supplement Rich in * * * Calcium, Copper, Sodium, Magnesium, Potassium, Phosphorus" was false and misleading, since the article was not a rich dietary supplement of such minerals. Further misbranding, Section 403 (j), the article purported to be, and was represented as, a food for special dietary uses by reason of its iodine, iron, calcium, copper, sodium, magnesium, potassium, and phosphorus content; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium, phosphorus, iodine, and iron, and the amounts of copper, sodium, magnesium, and potassium supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: October 10, 1947. Default decree of condemnation and destruction.

12781. Misbranding of saccharin tablets. U. S. v. 338 Dozen Envelopes of Saccharin Tablets. Tried to the court. Verdict for the Government. Judgment of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 18353. Sample No. 495-H.)

LABEL FILED: November 13, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about September 13, 1945, by the Cumberland Manufacturing Co., from Nashville, Tenn.

PRODUCT: 338 dozen envelopes of saccharin tablets at Augusta, Ga. Examination disclosed that the number of tablets in the envelopes varied from 19 to 40.

LABEL, IN PART: "30 Tablets $\frac{1}{2}$ Grain Dr. Lane's Saccharin Soluble For use when sugar is forbidden."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "30 Tablets" was inaccurate. Further misbranding, Section 403 (j), the product purported to be, and was represented as, a food for special dietary uses by man by reason of the presence of saccharin, a constituent which is not utilized in normal metabolism; and its label failed to bear such information concerning its dietary properties as has been prescribed by regulations in order to fully inform purchasers as to its value for such uses, since its label failed to bear, as required by the regulations, the statement "Contains—saccharin (or saccharin salt, as the case may be), a nonnutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food.

DISPOSITION: April 30, 1946. The Cumberland Manufacturing Co., claimant, having filed an answer denying that the saccharin was a food, the case was submitted to the court without a jury, by written agreement, in which agreement it was stipulated that the sole question to be decided by the court was whether or not the saccharin was a food within the meaning of the Federal Food, Drug, and Cosmetic Act. The court held that the product was a food, and a judgment of condemnation was entered ordering that the product be delivered to a charitable institution.

12782. Misbranding of saccharin tablets. U. S. v. 174 Cards * * *. (F. D. C. No. 22244. Sample No. 72941-H.)

LABEL FILED: February 4, 1947, District of Kentucky.

ALLEGED SHIPMENT: On or about January 4, 1947, by the National Specialty Company, from Nashville, Tenn.

PRODUCT: 174 cards, each containing 12 envelopes, of saccharin tablets at Louisville, Ky. Analysis showed that the product contained an average of 114 percent of the labeled amount of soluble saccharin per tablet and that the average number of tablets in an envelope was 31.

LABEL, IN PART: (Cards) "Nasco Brand Saccharin Tablets 35's One Quarter Grain"; (envelopes) "Nasco Brand Saccharin Tablets $\frac{1}{4}$ Grain Soluble."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the envelopes bore no statement of the quantity of the contents and the statement on the cards "35's" was inaccurate. Further misbranding, Section 403 (j), the article purported to be, and was represented as, a food for special dietary uses by man by reason of the presence of saccharin, a constituent which is not utilized in normal metabolism; its label failed to bear such information concerning its dietary properties as is prescribed by regulations as necessary; and its label failed to bear the statement "Contains—saccharin (or saccharin salt, as the case may be), a nonnutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt contained in the article.

The article was alleged also to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2109.

DISPOSITION: March 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12783. Misbranding of saccharin tablets. U. S. v. 84 Packages * * *. (F. D. C. No. 22113. Sample No. 54916-H.)

LABEL FILED: On or about December 26, 1946, Northern District of Georgia.